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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,305	11/20/2003	Duoc Phuc Nguyen	MS#303476.01 (5087)	9760

38779 7590 06/25/2009
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EXAMINER

KEEFER, MICHAEL E

ART UNIT	PAPER NUMBER
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2454

NOTIFICATION DATE	DELIVERY MODE
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06/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/718,305	Applicant(s) NGUYEN ET AL.	
	Examiner MICHAEL E. KEEFER	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-14,17-20,22-24,26-35,37 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-14,17-20,22-24,26-35,37 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE filed 5/26/2009.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3, 5, 7-9 and 11-13, 24, 26-31, and 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bantz et al. (US 2002/0120711), hereafter Bantz in view of Grube et al. (US 2003/0100326), hereafter Grube in further view of Kariya (US 6169897) further in view of Horvitz et al (US 2003/0101190), hereafter Horvitz.

Regarding **claims 1, 13, 24, and 27**, Bantz discloses:

A method of managing notifications in a web-based notifications system, said notifications system being configured to provide notifications to a user via a data communication network, said notifications containing content provided by one or more content providers, said content relating to one or more topics, said method comprising:

implementing a web service responsive to notifications requests structured according to an extensible messaging framework comprising a Simple Object Access Protocol (SOAP);; (Fig. 1, computer 100)

receiving, at the web service, a notifications request from a content provider, said received notifications request specifying a selected notification management function, said received notifications request being structured according to the extensible messaging framework said received notifications request comprising a SOAP request;

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(note that a node can be an event (i.e. content) generator and listener at the same time))

extracting request information from the received notifications request, said request information including at least a content provider identifier and a plurality of topic identifiers, each said topic identifier being associated with a corresponding relative uniform resource locator (URL), wherein the URL is relative to the web domain of the content provider, wherein said corresponding relative URL corresponds to one or more topics and executing the selected notification management function based on the extracted request information for each of the plurality of topic identifiers. ([0037] inherently the subscription manager must determine who sent the subscription request, and what the subscription request is for, this must be extracted from the request data packet, or looked up based upon information extracted from the request data packet Additionally, [0037] includes the idea that more than one topic may be included in the request.)

Bantz discloses all the limitations of the claims except for sending a response object to the content provider, said response object being structured according to the extensible messaging framework, said response object containing information relating to either success or failure for the executed selected notification management function including the performed function for each of the plurality of topic identifiers..

The general concept of sending an acknowledgement to a request is well known in the art as taught by Grube. (See [0067])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bantz and the general concept of sending an acknowledgement to a request as taught by Grube in order to allow a user to retry if a request is not acknowledged.

Bantz and Grube teach all the limitations of the claims except for a url being associated with a topic identifier.

The general concept of associating a URL with a topic identifier is well known in the art as taught by Kariya. (see at least Col. 4 lines 28-42)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bantz and Grube with the general concept of associating a URL with a topic identifier as taught by Kariya in order to make the system easier to understand and operate.

Bantz, Grube, and Kariya teach all the limitations of claims 2, 25, and 38 except for the use of the SOAP protocol and SOAP requests.

The general concept of using SOAP in a notification management environment is well known in the art as taught by Horvitz. ([0041] teaches the use of SOAP)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bantz, Grube, and Kariya with the general concept of using SOAP in a notification management environment as taught by Horvitz in order to allow easier communication behind proxies and firewalls.

Regarding **claims 3 and 26 as applied to claims 1 and 24**, Bantz discloses:

wherein the request includes a header and wherein extracting request information comprises extracting the content provider identifier from the header. (the sender identifier (i.e. IP/MAC address) is inherently included in every data packet sent on the network in the header. additionally, the recipient address is included within the header of the request [0037])

Regarding **claims 7, 28, and 40 as applied to claims 1, 24 and 37**, Bantz discloses:

wherein executing the selected notification management function comprises performing a function corresponding to the topic identifier specified by the extracted request information selected from the group consisting of: creating one or more topics; deleting one or more topics; updating one or more topics; and enumerating one or more topics. ([0037] discloses adding a subscription (i.e. topic) and deleting or updating a topic.)

Regarding **claims 8 and 29 as applied to claims 1 and 24**, Bantz discloses:

wherein extracting request information further comprises extracting a user identifier to identify the user. ([0037] discloses extracting a recipient address)

Regarding **claims 9 and 30 as applied to claims 1, 8, 24 and 29**, Bantz discloses:

wherein executing the selected notification management function comprises subscribing the identified user to one or more topics corresponding to the topic identifier specified by the extracted request information, said identified user to receive at least one notification via the web-based notifications system relating to the

one or more topics when subscribed thereto. ([0037] discloses subscribing recipients to events, see [0035] for an example of notifications being sent to subscribed recipients.)

Regarding **claims 11 and 31 as applied to claims 1, 8, 24, and 29**, Bantz discloses:

wherein executing the selected notification management function comprises unsubscribing the identified user to a topic corresponding to the topic identifier specified by the extracted request information, said identified user to no longer receive notifications via the web-based notifications system relating to the topic when unsubscribed thereto. ([0037] discloses cancelling, or unsubscribing recipients from receiving notifications.)

Regarding **claim 12 as applied to claims 1 and 8**, Bantz discloses:

wherein executing the selected notification management function comprises updating one or more subscriptions based on the user identifier and the topic identifier specified by the extracted request information. ([0037] discloses updating subscription information for users for various topics.)

3. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bantz, Grube, Kariya, and Horvitz as applied to claim 9 above, and further in view of Gupta et al. (US 6763384), hereafter Gupta.

Bantz, Grube, Kariya, and Horvitz do not teach the limitations of claim 10.

The general concept of having a user database containing routing information for creating subscriptions is well known in the art as taught by Gupta. (See at least table 2.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bantz, Grube, Kariya, and Horvitz with the general concept of having a user database containing routing information for creating subscriptions as taught by Gupta in order to allow the entity subscribing for requests to be ignorant of the user's actual address and port requirements.

4. **Claims 14, 17-23, 32-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bantz, Grube, Kariya and Horvitz as applied to claim 9 above, and further in view of Gupta and further in view of Hill et al. (US 2003/0223449), hereafter Hill.

Claims 14, 23, and 32 contain substantially the same limitations of claim 10, and the reasons for rejection are substantially similar to those noted above for Claim 10, in view of the combination of Bantz, Grube, Kariya, Horvitz, and Gupta.

Bantz, Grube, Kariya, Horvitz, and Gupta teach all the limitations of claims 14, 23, and 32 except for: **“querying a messaging service based on the user identifier for additional data to determine use of said messaging service by the user associated with the user identifier”** and **“determining routing information based on the profile information and the additional data for each user identifier”**.

The general concept of querying a messaging service to determine the presence of a user, and using presence information to route messages is well known in the art as taught by Hill. (see [0015] which teaches determining the activity of users, and rerouting messages if users are inactive)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bantz, Grube, Kariya, Horvitz and Gupta with the general concept of querying a messaging service to determine the presence of a user, and using presence information to route messages as taught by Hill in order to allow the system more flexibility.

Regarding **claim 33 as applied to claim 32**, Bantz discloses:

wherein said request information extracted from the request further specifies a selected notification management function to be performed by the notifications system, and further comprising executing the selected notification management function based on the extracted request information. ([0037] discloses various management functions to be performed, which inherently must be defined within the request to the subscription manager.)

Regarding **claim 34 as applied to claims 32-33**, Bantz discloses:

wherein executing the selected notification management function comprises subscribing the user to a topic corresponding to the topic identifier specified by the extracted request information, said user to receive at least one notification via the web-based notifications system relating to the topic when subscribed thereto. ([0037] discloses subscribing recipients to events, see [0035] for an example of notifications being sent to subscribed recipients.)

Regarding **claim 17 as applied to claims 14-15**, Bantz discloses:

wherein executing the selected notification management function comprises unsubscribing the user to a topic corresponding to the topic identifier specified by the

extracted request information, said user to no longer receive notifications via the web-based notifications system relating to the topic when unsubscribed thereto.

Regarding **claim 18 as applied to claim 14**, Bantz discloses:

further comprising creating a response object in response to said received request, said response object being structured according to the messaging framework, said response object containing information relating to either success or failure of the request. ([0037] discloses updating subscription information for users for various topics.)

Regarding **claim 19 as applied to claims 14 and 18**, Grube teaches:

wherein said response object contains information identifying the created subscription. ([0067] teaches sending an acknowledgement to a subscription request over a data network.)

Regarding **claims 20 and 35 as applied to claims 14, 18, and 32**, Grube teaches (as mentioned in the above rejection of claim 1):

further comprising sending the response object to the content provider via the data communication network. ([0067] teaches sending an acknowledgement to a subscription request over a data network.)

Regarding **claim 22 as applied to claim 14**, Bantz discloses:

wherein the request includes a header and wherein extracting request information comprises extracting the content provider identifier from the header. ([0037] discloses extracting a recipient address)

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5. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bantz, Grube, Kariya, and Horvitz as applied to claim 1 above, and further in view of Linderman (US 2002/0032790).

Bantz, Grube, Kariya, and Horvitz teach all of the limitations of claim 6 except for a command line interface.

The general concept of providing a command line interface to issue commands is well known in the art as taught by Linderman. ([0042])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bantz, Grube, Kariya, and Horvitz with the general concept of providing a command line interface to issue commands as taught by Linderman in order to provide more flexible ways to interact with applications.

Response to Arguments

6. Applicant's arguments filed 5/26/2009 have been fully considered but they are not persuasive.

7. In response to applicant's argument that Grube, Kariyn, Horvitz and Hill are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the arts are all concerned with sending and directing network traffic between users and servers.

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8. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

9. First, Applicant argues that Bantz does not disclose a "content provider identifier" nor a "topic identifier" as claimed in claim 1.

10. The Examiner disagrees, noting that as previously argued, messages that are sent to the subscription manager 703 must have some sort of address directing where the message is going. This address is the address of the 'content provider', in this case, event router 800 is the content provider. Further, the Examiner fails to see how a category name is different from a topic identifier. Even in Applicant's examples in the arguments, topic identifiers are merely category names (i.e. weather).

11. Second, Applicant argues that Kariya does not disclose URLs which are relative to the web domain of an information provider.

12. The Examiner disagrees, Kariya discloses in Col. 4, lines 28-42, that URLs are related to topics in specific regions are found. The Examiner fails to see from Applicant's example how any URL would fail to be "relative to the web domain of the content provider, wherein corresponding relative URL corresponds to one or more

topics". See also Fig. 3b-c of Kariya, where different cities contain different urls (i.e. content providers for different topics.)

13. Finally, Applicant argues that Hill fails to disclose a user profile store.

14. The Examiner disagrees with Applicant's interpretation of the Amendment to claim 14. Hill still teaches that a message service is queried, and based on the presence (i.e. online or not) of a user profile in the user profile store. This is shown in [0015] as cited by Applicants in the arguments. Further, routing information is obtained from this information, as the messages are stored or sent based upon the result of the query.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 6/21/2009

/DUSTIN NGUYEN/

Primary Examiner, Art Unit 2454